**HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.26827 of 2006**

**Dated:05.03.2007**

Between:

K.Chengama Naidu.

…Petitioner

and

Mandal Revenue Officer.

…Respondent

**HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.26827 of 2006**

**ORDER:**

The petitioner seeks a writ of mandamus declaring the action of the respondent, namely, the Mandal Revenue Officer, Tirupathi (Rural) Mandal, Chittoor District, in interfering with his peaceful possession and enjoyment of land admeasuring Ac.0.55 cents in Survey No.561/B situated at Pudipatla Village as arbitrary. He also seeks a consequential direction to the respondent not to interfere with his possession.

It is the case of the petitioner that his father late Rosaiah Naidu was granted Ek-saal lease for the subject land in 1974, and subsequently, considering the representation of the ek-saal lessee, the Tahasildar granted a DKT patta on 12.07.1976. The petitioner succeeded to the site. On 22.12.2006 the respondent allegedly visited the site and directed the petitioner to vacate the land. The petitioner produced the DKT patta, in vain. The respondent tried to interfere with the possession of the petitioner, aggrieved by which, the present Writ Petition is filed.

The matter was initially heard on 27.12.2006. The learned Assistant Government Pleader for Revenue (Assignment) on instructions submits that the petitioner was not given any patta, that he

is not in possession, that he was already removed, and the land was assigned to landless poor persons for house sites. This was denied, and therefore, this Court granted time to the learned Assistant Government Pleader to file counter affidavit.

In the counter affidavit filed subsequently, the Mandal Revenue Officer states that the land admeasuring Acs.7.36 cents in Survey No.561/B situated at Pudipatla is classified as Vagu Poramboke. The same is situated near Alipiri bypass road. In 1994 thirty three landless poor persons were given assignment. Subsequently, Weavers Colony and Rickshaw Colony came up in the area, and therefore, the Mandal Revenue Officer granted house site pattas to 103 rickshaw pullers. As the petitioner encroached upon the land, action was initiated and on 06.12.2006 the petitioner was evicted from the land. The allegation of the petitioner that he was granted house site patta is denied asserting that the patta granted is false and fabricated. Though a reply affidavit is filed by the petitioner denying all these allegations, this Court is not in a position to verify whether the patta granted in favour of the petitioner's father is genuine or not. However, the allegation that the petitioner was evicted on 06.12.2006 has not been specifically denied. Therefore, this Court observes that the petitioner may approach the respondent for assignment of suitable land for agricultural purpose, if the petitioner is eligible as per the criteria to seek assignment in Pudipatla Village.

The Writ Petition is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

05.03.2007
vs